United Nations A/C.5/60/SR.41

General Assembly
Sixtieth session

Official Records

Distr.: General
31 March 2006

Original: English

## Fifth Committee

**Summary record of the 41st meeting**
Held at Headquarters, New York, on Tuesday, 21 March 2006, at 10 a.m.

*Chairman*: Mr. Muhith (Vice-Chairman) ..... (Bangladesh)
*Chairman of the Advisory Committee on Administrative and Budgetary Questions*: Mr. Saha

## Contents

Agenda item 124: Proposed programme budget for the biennium 2006-2007 (*continued*)

*Estimates in respect of special political missions, good offices and other political initiatives authorized by the General Assembly and/or the Security Council* (*continued*)

Agenda item 133: Administration of justice at the United Nations

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06-27776 (E)

*In the absence of Mr. Ashe (Antigua and Barbuda), Mr. Muhith (Bangladesh), Vice-Chairman, took the Chair.*

*The meeting was called to order at 10.10 a.m.*

**Agenda item 124: Proposed programme budget for the biennium 2006-2007** (*continued*)

*Estimates in respect of special political missions, good offices and other political initiatives authorized by the General Assembly and/or the Security Council* (*continued*) (A/60/7/Add.24 and Add.37 and A/60/585 and Corr.1 and Add.1 and Add.2)

1. **Mr. Thatchaichawalit** (Office of Programme Planning, Budget and Accounts), introducing the addenda to the report of the Secretary-General on estimates in respect of special political missions, good offices and other political initiatives authorized by the General Assembly and/or the Security Council (A/60/585/Add.1 and Add.2), recalled that the Secretary-General, in his report of 12 December 2005 (A/60/585), had presented budget proposals for 2006 for 26 special political missions, good offices and other political initiatives authorized by the General Assembly and/or the Security Council. The General Assembly, by its resolution 60/248, had decided to approve for the 26 missions a charge of $100 million against the provision for special political missions and to resume its consideration of the Secretary-General's report at the first part of its resumed sixtieth session. The documents he was introducing contained mission-by-mission substantive and financial information on the 26 missions (A/60/585/Add.1) and the proposed resource requirements of three additional special political missions (A/60/585/Add.2).

2. The resources requested for the majority of the missions covered the period up to 31 December 2006. However, the budget proposals for the United Nations Assistance Mission in Afghanistan (UNAMA), the United Nations Office in Timor-Leste (UNOTIL) and the International Independent Investigation Commission concerning the 14 February 2005 event in Lebanon (UNIIIC) covered only the current mandate periods of those missions, which would end in March, May and June, respectively. Any additional requirements would be presented to the General Assembly at a later date, based on the decisions of the Security Council concerning the missions' mandates.

3. The total estimated requirements for special political missions amounted to $303.3 million net. Requirements by mission ranged from just over $200,000 to more than $173 million, with those for UNAMA and for the United Nations Assistance Mission for Iraq (UNAMI) accounting for the bulk of the resources requested. A summary of requirements by major component was provided in document A/60/585, table 2. A total of 3,317 posts was proposed for 2006, which represented a net reduction of 34 posts compared with 2005. That change reflected the positions discontinued as a result of the completion of some missions, increases under some continuing missions and requirements of new ones. Staffing requirements were set out in table 3.

4. A provision of $355.9 million for special political missions had been included in the programme budget for the biennium 2006-2007, under section 3 (Political affairs). The proposals contained in the two documents he was introducing (A/60/585/Add.1 and Add.2) would represent a charge of $203.3 million against that provision, in addition to the amount of $100 million already approved, bringing the total charge to $303.3 million and leaving a balance of $52.5 million for special political missions.

5. **Mr. Saha** (Chairman of the Advisory Committee on Administrative and Budgetary Questions (ACABQ)), introducing the related report of ACABQ (A/60/7/Add.37), noted that 62 per cent of the total resources proposed were for the missions in Afghanistan and Iraq. The Advisory Committee recommended acceptance of the proposals for UNAMA, pending submission of the requirements relating to the Mission's new mandate, which was currently under consideration by the Security Council. With regard to UNAMI, it noted that savings might be achieved, since full deployment would depend on security conditions in the Mission area.

6. The Advisory Committee recommended that the estimates in respect of special political missions should be reduced by $882,100. That reduction reflected its recommendation against acceptance of three additional posts proposed by the Secretary-General and a reduction in the requirements proposed for consultants and travel. A summary of the recommendations on staff resources was contained in paragraph 52 of the report.

With regard to the requirements for consultants, the Advisory Committee noted a tendency to request such funding as if little or no experience or capacity existed in either the Secretariat or the United Nations system. As to the requirements for travel, it believed that requests for funding should be rationalized and better justified.

7. The Advisory Committee requested that information should be provided in the next budget submission on the policy and managerial guidance provided by the Department of Political Affairs to special political missions and on the related oversight and accountability mechanisms, as well as on staffing reviews or internal assessments. Lastly, it was of the opinion that the General Assembly should consider requesting a management review of the Department's ability to carry out the management and direction of special political missions with a view to ensuring an efficient use of both post and non-post resources.

8. **Ms. Lock** (South Africa), speaking on behalf of the Group of 77 and China, said that the late issuance of the Secretary-General's December 2005 report on estimates in respect of special political missions (A/60/585) had prevented Member States and the Advisory Committee from giving it in-depth consideration. Moreover, the budget proposals had lacked the detailed information requested by the General Assembly in its resolution 59/276. The decision to defer consideration of the report to the first part of the resumed sixtieth session had given the Secretariat an opportunity to improve the quality of the financial and programme information submitted to Member States in support of the proposals. In that connection, the Group noted that all but one of the missions were currently presented within a results-based framework. It trusted that every effort would be made to ensure that future budget submissions adhered strictly to the relevant provisions of General Assembly resolution 55/231 and that expected accomplishments and indicators of achievement were used to assess the implementation of United Nations programmes, not the programmes of individual Member States.

9. The Group largely supported the recommendations set out in paragraphs 9 to 16 of the Advisory Committee's report (A/60/7/Add.37), which might improve the presentation of future budget submissions and enable Member States to make a better assessment of resource requirements. It looked forward to further consultations with ACABQ and the Secretariat regarding the scope of the management review called for in paragraph 16, and would appreciate clarification as to how the Secretariat intended to implement the recommendations contained in paragraphs 12 and 13.

10. The level of resources requested for special political missions had increased significantly in recent years. Furthermore, in the current and previous bienniums, the provision made for special political missions in the budget outline had not proved to be an accurate predictor of overall requirements for those missions. The Administration should consider how to produce a more precise forecast of requirements for the entire two-year period of the programme budget. With regard to the Advisory Committee's recommendations on the level of resources proposed, the Group wished to know whether the reductions in funding for travel and consultancy services would be applied across the board and, if so, how that would affect the smaller missions. It reaffirmed that the use of experts and consultants in special political missions should be in full compliance with the relevant resolutions of the General Assembly.

11. Lastly, the Group wished to reiterate the importance it attached to the effective functioning of special political missions, good offices and other political initiatives authorized by the General Assembly and/or the Security Council. It also attached great importance to the Charter-mandated role of the General Assembly in considering administrative and budgetary matters, including those relating to special political missions, and to Secretariat accountability to the Assembly, as the Organization's primary oversight body. In that connection, it was concerned about the tendency of the Security Council to consider matters that fell within the Assembly's purview and to request the Secretary-General to establish Secretariat structures without the Assembly's prior approval.

12. **Mr. Weidinger** (Austria), speaking on behalf of the European Union; the acceding countries Bulgaria and Romania; the candidate countries Croatia, the former Yugoslav Republic of Macedonia and Turkey; the stabilization and association process countries Albania, Bosnia and Herzegovina, and Serbia and Montenegro; and, in addition, Iceland, the Republic of Moldova and Ukraine, said that the European Union recognized the important functions performed by special political missions and stood ready to appropriate adequate resources for them. At the same

time, it expected the presentation and justification of resource requests for special political missions to be of the same standard as those for peacekeeping missions and regular budget items, and it agreed with many of the recommendations of ACABQ in that regard.

13. The Secretariat was to be commended for its increased use of the results-based framework and its efforts to provide information on actual and potential synergies and complementarities, although further improvements could be achieved, particularly through enhanced coordination and cooperation between missions. The transparency of budgetary information on special political missions could also be improved. In that connection, the European Union supported the repeated request of ACABQ for larger missions to be treated in a manner commensurate with their size and complexity and its recommendation that thought should be given to reorganizing the report in order to present the missions or offices in clusters, on the basis of thematic or regional considerations. Such improvements would greatly assist the General Assembly in its consideration of those missions.

14. Lastly, the European Union saw merit in the proposal for a management review of the ability of the Department of Political Affairs to manage and direct special political missions. Such a review could complement the ongoing evaluation of the Department by the Office of Internal Oversight Services.

15. **Ms. Attwooll** (United States of America) said that the efforts being made to find complementarities and synergies among special political missions and other United Nations entities were welcome and should be intensified. Given the many geographic and/or substantive similarities shared by United Nations activities, greater effort should be made to focus expertise and resources with a view to maximizing the impact of the Organization's work and reducing duplication. The resources requested for special political missions for 2006 represented an increase of over 80 per cent compared with their 2005 level, yet the reasons for that sharp rise were not clear. At the same time, in the cases of UNAMA and UNAMI, there had been significant underexpenditure in 2004/05 compared with the appropriations for that period. The Secretariat should clarify the rate of expenditure in both missions.

16. In the light of the number and level of posts financed under special political missions, as well as the range of expertise to be found among United Nations staff currently working in those missions, her delegation wondered why resources for the new Peacebuilding Support Office could not have been drawn from that pool.

17. Her delegation had not yet had a chance to study closely the report of ACABQ (A/60/7/Add.37), which had only been issued the previous day. However, it had been struck by the Advisory Committee's readiness to recommend approval of funding requests, notwithstanding its reservations concerning the lack of justification provided. A more thorough and critical analysis of the Secretariat's proposals should have been undertaken. Her delegation had taken note of the small reduction recommended by the Advisory Committee in the level of non-staff resources: a similar recommendation should have been made in respect of staff resources.

18. **Mr. Kozaki** (Japan) said that his delegation welcomed the opportunity to consider the proposed budgets for the special political missions at the first part of the resumed sixtieth session of the General Assembly, since that allowed the Committee more time to examine them and thus avoid making hasty decisions under pressure. He sought clarification concerning the way in which the budgets for the missions had been prepared. Many special political missions had made resource requests for 2006 that were close to their expenditure levels for the previous biennium, without, however, providing specific explanations. The second performance report on the programme budget for the biennium 2004-2005 (A/60/572) had shown a significant variance between the level of resources proposed and actual expenditure for some special political missions. It would be interesting to know whether the estimates for 2006 had been adjusted in view of the experience gained in the previous biennium, particularly with regard to vacancy rates. While the missions operated in difficult circumstances, it was important for the Secretary-General to propose realistic budgets so that the finite resources of Member States could be allocated in an optimal manner.

19. **Mr. Mumbey-Wafula** (Uganda) said that his delegation remained concerned about the lack of staff with local knowledge in the Office of the Special Representative of the Secretary-General for the Great Lakes Region of Africa. In December 2005, it had requested the Secretariat to conduct an appraisal of

efforts to address that problem. It expected to receive a response in the near future so that the Committee could give proper consideration to the budget proposals for the Office. It continued to have reservations about the composition of the Group of Experts on the Democratic Republic of the Congo and about the Group's ability to foster peace in the Great Lakes region. Given the progress made by the States of the region at the bilateral level, the continuing relevance of the Group was open to question; the resources allocated to it could perhaps be better employed elsewhere.

20. **Mr. Sena** (Brazil) said that his delegation attached great importance to the effective functioning of special political missions, good offices and other political initiatives authorized by the General Assembly and/or the Security Council. It believed that the time had come for the international community to reaffirm its commitment to peace and stability in Guinea-Bissau. While the United Nations Peacebuilding Support Office in that country had achieved a great deal, there was a need to strengthen its financial and human resources. Intensifying efforts to reform the security sector by providing technical and financial assistance would send a positive signal to the people of Guinea-Bissau. The Office should also help to identify projects with a social and economic impact visible to the population.

21. **Ms. Udo** (Nigeria) endorsed the remarks made by the representative of Brazil concerning Guinea-Bissau. With regard to the Secretary-General's report, she had taken note of the improved use of results-based budgeting and hoped that the Secretariat would continue to refine that technique, which greatly facilitated Member States' appreciation of the complex realities of operating special political missions. In that connection, she wondered how the proposal set out in paragraph 10 of the Advisory Committee's report could be implemented in practice. Furthermore, while the question of synergies and complementarities deserved further study, the individual features of each mission should not be overlooked. Lastly, it was unclear how the Advisory Committee's cost-cutting proposals would be implemented. She would appreciate clarification from the Secretariat in that regard and looked forward to receiving the Secretary-General's midterm review report.

22. **Mr. Elji** (Syrian Arab Republic) said that, since his delegation had been unable to prepare a detailed response to the reports on special political missions on account of their late issuance, it was not yet in a position to move on to informal consultations.

23. **Mr. Kozaki** (Japan) said that, while he was sympathetic to the views expressed by the representative of the Syrian Arab Republic, a decision must be taken on special political missions as soon as possible. He therefore proposed that the Committee should begin informal consultations forthwith. The Syrian Arab Republic could reserve the right to make a statement on special political missions at the next formal meeting.

24. **Mr. Elji** (Syrian Arab Republic), supported by **Mr. Elnaggar** (Egypt) and **Ms. Noman** (Yemen), said that he would prefer to keep the agenda item in question open and defer the informal consultations until the conclusion of the general discussion.

25. **Mr. Weidinger** (Austria), speaking on behalf of the European Union, expressed support for the proposal put forward by the representative of Japan. Informal consultations on the issue under review were a priority and had already been announced in the *Journal*.

26. **Ms. Attwooll** (United States of America) endorsed Japan's proposal. However, although she would like to proceed with informal consultations as quickly as possible, she understood the concerns expressed by other delegations. She asked the Chairman to give the Committee some guidance on how to move forward.

27. **Ms. Lock** (South Africa), speaking on behalf of the Group of 77 and China, reiterated that the Group attached great importance to the issue in question, particularly since the estimated requirements for special political missions accounted for a substantial portion of the programme budget for 2006-2007. Since the relevant reports had been issued late, some Member States had requested extra time to consider them. However, the Bureau should make every effort to reach a compromise in order to take the debate forward and, where necessary, the Secretariat should provide Member States with additional information at the bilateral level.

*The meeting was suspended at 11 a.m. and resumed at 11.10 a.m.*

28. **The Chairman** said that, if he heard no objection, he would take it that the Committee wished

to defer informal consultations on agenda item 124 until after the conclusion of the general discussion on that item.

29. *It was so decided.*

**Agenda item 133: Administration of justice at the United Nations** (A/59/883; A/60/7/Add.1, A/60/72 and Corr.1, A/60/315 and A/60/376; A/C.5/60/10)

30. **Ms. Durrant** (Ombudsman), introducing the Secretary-General's first report on the activities of the Ombudsman (A/60/376), recalled that the Office of the Ombudsman had been established pursuant to General Assembly resolutions 55/258 and 56/253, in response to the long-identified need to supplement the existing system of conflict resolution within the Secretariat.

31. Chapter II of the report summarized the terms of reference of the Office and gave an overview of its staffing arrangements. Chapter III, entitled "Operations and activities", described the operating procedures of the Office and the ways in which services were provided to staff members. It also referred to the efforts under way to establish a network of ombudsmen of the United Nations system and the Bretton Woods institutions and to harmonize related practices and procedures while respecting the autonomy of each individual organization.

32. The Office had an estimated constituency of some 29,000 staff worldwide. During the reporting period, it had provided assistance to a total of 1,386 staff members in all occupational groups and at all grade levels. The report gave an analysis of the data contained in the internal database of anonymous information, which was currently being upgraded. According to those data, approximately 32 per cent of the requests for assistance from the Office had come from Headquarters, 38 per cent had come from offices away from Headquarters, including the regional commissions, and 30 per cent had come from field missions. Figure III gave a breakdown of cases by occupational categories. The next report, which was due in October 2006, would, without prejudicing staff confidentiality, give a general description of the cases referred to the Ombudsman.

33. The highest number of cases referred to the Office dealt with career development and promotion issues. Other issues raised included separation and termination, interpersonal conflicts and conditions of service. Six hundred thirty-three new cases had been opened in 2005, as compared to 420 in 2004. That significant increase was certainly attributable to the extended outreach efforts undertaken by the Office. As part of those efforts, a new, revamped website in all six official languages had been launched in April 2005 and a seven-minute video entitled "Meet the Ombudsman" had been incorporated into the induction programmes for new staff members. In addition, to mark the Office's second anniversary, two panel discussions on the role of the Ombudsman had been held in New York and Geneva.

34. While it was difficult to assess the impact of the Ombudsman's Office, the report discussed possible indicators of achievement, including the reduction in the number of cases submitted to the Joint Appeals Board in New York. Furthermore, feedback from staff members indicated that the overwhelming majority of them were satisfied with the process.

35. Chapter IV of the report identified a number of systemic issues and challenges, including the need to disseminate clear and accurate information, increase transparency and introduce a policy on protection against retaliation for reporting misconduct. She was encouraged to note that a number of the recommendations contained in the report had already been implemented or were under consideration; she particularly welcomed the introduction of the new whistleblower protection policy promulgated by the Secretary-General (ST/SGB/2005/21). The Office had also held initial meetings with the panel of external and independent experts responsible for considering a redesign of the system of administration of justice.

36. The final chapter of the report, entitled "Future directions", identified areas requiring further strengthening. Those areas included communication and outreach, accessibility, conflict management and systemic efficiency, and monitoring of performance. In that connection, the midterm review referred to in paragraph 46 of the report, which had already been completed, had identified a number of additional recommendations. Among other things, the Office intended to improve its triage procedures and finalize its standard operating procedures for automatic follow-up. In addition, trained staff members from the Office had begun to carry out direct mediation with a view to facilitating conflict resolution. That practice had yielded very positive results.

37. In its resolution 59/283, the General Assembly had requested the Office of the Ombudsman to continue and expand its outreach activities. Since its establishment, the Office had visited all offices away from Headquarters and several peacekeeping missions, and expected to make a number of further visits in the coming months. The establishment of three Chief of Branch positions in Geneva, Nairobi and Vienna should serve to consolidate those activities, and she welcomed the decision to fill those posts through redeployment.

38. In closing, she noted with appreciation the additional resources allocated to the Office for the biennium 2006-2007, which would enable it to upgrade its case tracking system, enhance its capacity to review and analyse trends and further improve outreach activities aimed, in particular, at national staff and General Service staff away from main locations.

39. **Ms. Axenidou** (Senior Legal Adviser, Administration of Justice Unit, Department of Management) introduced the report of the Secretary-General on the administration of justice in the Secretariat: outcome of the work of the Joint Appeals Board during 2003 and 2004; and statistics on the disposition of cases and the work of the Panel of Counsel (A/60/72 and Corr.1). The report, which had been submitted pursuant to General Assembly resolutions 55/258 and 57/307, provided information on the number of appeals filed and disposed of by the Joint Appeals Boards in New York, Geneva, Vienna and Nairobi in 2003 and 2004. The number of appeals filed in 2004 had decreased in comparison to the preceding year. However, in that connection, as explained in A/60/72/Corr.1, one of the appeals filed with the New York Joint Appeals Board in 2004 actually comprised 232 cases contesting the same administrative decision.

40. The report also provided information on the decisions taken by the Secretary-General on reports submitted by the Joint Appeals Board. The percentage of full and partial acceptances by the Secretary-General of the unanimous recommendations of the Joint Appeals Board had increased slightly, from 84 per cent in 2003 to 87 per cent in 2004. That pattern was in line with the Secretary-General's stated policy of accepting unanimous recommendations unless there were compelling reasons of law or policy not to do so.

41. Lastly, the report contained statistical information on the work carried out by the Panel of Counsel in 2004 and highlighted the fact that 54 per cent of the cases brought to its attention had been dealt with informally.

42. **Ms. Miller** (Officer-in-Charge of the Division for Organizational Development, Office of Human Resources Management) introduced the Secretary-General's report on the administration of justice in the Secretariat (A/59/883), which had been prepared in response to the General Assembly's request, in its resolution 59/283, that the Secretary-General should submit proposals to separate the multiple functions of the Administrative Law Unit.

43. The report clarified that no conflict of interest existed in the Unit's discharge of its review functions, on the one hand, and of its appeals functions, on the other. The Unit acted on behalf of the Administration at all stages of the appeals process, and that role was made clear to all parties from the outset. Appellants and potential appellants were represented by the Panel of Counsel or other counsel of their choice. Informal conflict-resolution efforts could be initiated either by the Administrative Law Unit or by the staff member or his or her counsel. If no mutually acceptable solution could be found, the staff member's right to an appeal remained unimpeded.

44. The report also explained that in the Secretary-General's view the Unit's current combination of functions met the needs identified by the General Assembly and resulted in a significant economy of resources in the context of establishing the facts of each case and the legal issues involved. Separating the functions of the Unit would result in a duplication of work and would create a need for additional resources, since the facts of each case would need to be established, and the legal issues understood and addressed, both at the review stage and at the litigation stage.

45. With respect to the issue of the redeployment of resources from the Unit, the report explained that because the Unit had limited resources and a heavy workload, all Professional staff were required to handle multiple cases simultaneously at all stages of the review process, as well as to handle disciplinary matters and to appear before the Joint Appeals Board and the Joint Disciplinary Committee, as necessary. It would therefore not be possible to redeploy resources from the Unit without introducing substantial delays in all areas of the Unit's work.

46. The report concluded that, in view of those substantive and resource considerations, it would not be in the Organization's interest to separate the functions of the Unit. Instead, the issues raised by the General Assembly might best be reviewed by the redesign panel established to undertake a systematic review of the administration of justice system. She was pleased to note from its report that the Advisory Committee also recognized the value of awaiting the outcome of the panel's work.

47. The Secretary-General's report on the practice of the Secretary-General in disciplinary matters and cases of criminal behaviour for the period 1 January 2004 to 30 June 2005 (A/60/315) had been prepared in response to paragraph 16 of General Assembly resolution 59/287, which requested the Secretary-General to inform Member States, on an annual basis, of all actions taken in cases of proven misconduct and/or criminal behaviour, as well as the disciplinary and, where appropriate, legal action taken in accordance with the established procedures and regulations. The report was the first of its kind to be submitted to the General Assembly; future reports would be submitted on an annual basis. It offered an overview of the administrative machinery for disciplinary matters with a view to placing the Secretary-General's practice in context. The Secretariat had noted the Advisory Committee's concerns regarding the report's format and content, and would ensure that the next report contained the requested information. The Department of Management would work with the Office of Internal Oversight Services on the possibility of developing a single, jointly administered database, keeping in mind matters of confidentiality.

48. In paragraph 17 of its resolution 59/287 the General Assembly had requested that all staff should be provided with the information contained in the report. In fact, the Secretariat had been providing such information since 2002, in the form of an information circular, with a view to making all staff aware of sanctions imposed for misconduct, and as an integral part of the Secretary-General's accountability framework.

49. **The Chairman** drew the attention of the Committee to a letter dated 14 October 2005 from the President of the General Assembly addressed to the Chairman of the Committee (A/C.5/60/10).

50. **Mr. Saha** (Chairman of the Advisory Committee on Administrative and Budgetary Questions) introduced the Advisory Committee's report on the administration of justice in the Secretariat (A/60/7/Add.1). The proposal regarding the Office of the Ombudsman should be reworked and given further consideration in the light of the work of the redesign panel. Thought should be given to finding creative ways and means to provide access for staff without automatically establishing new offices and/or new posts.

51. With respect to the United Nations Administrative Tribunal, the Advisory Committee questioned the need to establish two additional posts to carry out executive office functions for a Tribunal secretariat of only four posts, and was recommending against the establishment of an additional P-3 post and a General Service post. However, it supported the request for additional general temporary assistance to help clear the Tribunal's backlog. As explained in paragraph 11 of the report, the Advisory Committee was recommending against an additional appropriation, at the current time, for travel by the Panel of Counsel.

52. As set out in chapter III of the report, on the Administrative Law Unit, the Advisory Committee recognized the value of awaiting the redesign panel's conclusions and trusted that, in considering General Assembly resolution 59/283, the redesign panel would thoroughly examine and evaluate the Unit's role and functions with a view to avoiding potential conflicts of interest and ensuring staff confidence in the internal justice process.

53. **Ms. Lock** (South Africa), speaking on behalf of the Group of 77 and China, said that she would welcome clarification regarding the status of the Advisory Committee's report, given that the General Assembly had already acted on many of its proposals in the context of its adoption of the programme budget for the biennium 2006-2007.

54. The Group attached great importance to the issue of administration of justice, which was an integral part of an effective human resources management system and could not be divorced from any reform of that system. The issue had been on the Committee's agenda for many years. Problems relating to lack of accountability and transparency, as well as chronic delays in the consideration of cases submitted for review, were long-standing.

55. The Group regretted that the Committee had not been able to address agenda item 133 during the main part of the Assembly's sixtieth session because of the late issuance of reports. However, by its resolution 59/283 the Assembly had tried to improve the system, inter alia by establishing a panel of external and independent experts to consider redesigning the system of administration of justice. It looked forward to receiving the outcome of the panel's work in time for its comprehensive review of the system of administration of justice at the sixty-first session.

56. However, that process should not delay the introduction of concrete and immediate measures to reform the system, including the interim measures adopted by resolution 59/283, because far-reaching changes were required in order to avoid duplication and ensure a more transparent, impartial and effective system of administration of justice. It would be useful if the Committee could receive a status report on the establishment of the panel and if the Committee could have an opportunity to interact with the panel.

57. The Group welcomed the Secretary-General's first report on the activities of the Ombudsman (A/60/376). It wished to reiterate the importance that it attached to the Office of the Ombudsman as the primary mechanism for informal dispute settlement. The Group strongly supported the independence of the Office and its ability to act in a neutral manner, and believed that the Office must play a proactive role in making the system of justice more effective. The outreach activities of the Office should be beneficial to all United Nations staff, including national and General Service staff members, and the Group had supported the proposed expansion of the Vienna pilot project to other localities through the establishment of regional branches, as well as increased resources for the Office in the context of the budget negotiations. The Office should also be strengthened through the introduction of more concrete measures to improve staff access.

58. The Group noted the reference made in paragraph 37 of the report to the systemic issues and challenges that had been identified through the review of cases, which might reflect serious deficiencies in the system and suggest creative approaches to dealing with them. It looked forward to considering those issues in more detail during the Committee's informal consultations. The Group would also welcome an assessment of the contribution made thus far by the Office towards rationalizing the internal justice system. For example, information on its impact in terms of reducing the length of the appeals process and reducing the number of cases filed through formal channels would be useful. The Group took note of the comments made earlier in the meeting regarding recent improvements to the system, and would welcome further discussion of those matters during the informal consultations.

59. It was not clear how the conclusion set out in paragraph 9 of the report on the administration of justice in the Secretariat (A/59/883) responded to the spirit and letter of General Assembly resolution 59/283. In 2005 the Assembly had concluded that the conflicting functions of the Administrative Law Unit might undermine the transparency of the system and lead to unnecessary delays. Paragraphs 29 and 30 of resolution 59/283 addressed the separation of the functions of the Unit, as well as the question of the redeployment of resources, with a view to avoiding a conflict of interest.

60. The redesign panel's consideration of that issue would form part of the Assembly's efforts to reform the system of administration of justice over the medium and long terms. As shown by the request contained in paragraph 30 of resolution 59/283, however, the Assembly recognized that immediate measures were required. It would have been useful if the report before the Committee had addressed the matter in more concrete terms and had provided further solutions to a well-known concern.

61. The Group believed that an effective system of administration of justice was key to ensuring that staff enjoyed the right to due process and were treated fairly. Such a system also increased accountability and transparency in decision-making by holding managers responsible for their actions in accordance with the relevant General Assembly resolutions. The Group therefore welcomed the introduction of the report on the practice of the Secretary-General in disciplinary matters and cases of criminal behaviour, as well as the Advisory Committee's comments thereon. It was clear that further work was needed to strengthen the accountability framework, especially at the senior management level. In conclusion, the Group would like to receive information on the implementation within the appeals process of the mandatory time limits called for in paragraph 16 of resolution 59/283, as well as additional information from the staff representatives on the implementation of paragraph 26.

62. **Mr. Drofenik** (Austria), speaking on behalf of the European Union; the acceding countries Bulgaria and Romania; the candidate countries Croatia, the former Yugoslav Republic of Macedonia and Turkey; the stabilization and association process country Albania; and, in addition, Liechtenstein, the Republic of Moldova and Ukraine, said he was convinced of the need to strengthen the internal justice system of the United Nations that would help not only to improve the relationship between staff and management, but also to enhance overall transparency and accountability in the area of human resources management.

63. The European Union would refrain from commenting on the issue in detail at the current stage, but wished to express its support for the work of the Ombudsman. The relevant report (A/60/376) showed that the Office of the Ombudsman was an invaluable tool. Although the Ombudsman's work was difficult to quantify or qualify, the European Union was convinced that such informal mechanisms, when combined with other simple measures, could be crucial to the resolution of problems arising between staff and management.

64. The European Union noted that the resource aspects of the administration of justice had been addressed in the context of the discussions on the programme budget for the biennium 2006-2007. The next step was therefore to await the comprehensive report of the redesign panel, which should provide a blueprint for the future internal justice system of the United Nations. The European Union would therefore support the deferral of the agenda item before the Committee to the sixty-first session of the General Assembly.

65. **Mr. Garcia** (United States of America) said that his delegation — like staff members, other Member States and the Secretary-General — was eagerly awaiting the conclusions of the recently established redesign panel. His delegation was pleased that the Secretary-General had followed through on the requests contained in General Assembly resolution 59/283, particularly the request that the Office of the Ombudsman should continue and expand its outreach activities and that the Secretary-General should submit proposals for strengthening the Office through improved access for staff serving in different locations. His delegation applauded the Office's efforts to inform interested parties about its functions.

66. The United States shared the Advisory Committee's view, expressed in document A/60/7/Add.1, that the proposal to establish three Ombudsman branch offices, each headed by a D-1, should be revisited after the redesign panel had submitted its report. With respect to the systemic issues and challenges identified in the Ombudsman's report, his delegation noted that those issues had been raised before, in a variety of settings and reports, most recently in the Secretary-General's report entitled "Investing in the United Nations: for a stronger Organization worldwide" (A/60/692).

67. Lastly, the United States remained deeply concerned about the acts of misconduct and criminal behaviour listed in the Secretary-General's report entitled "Practice of the Secretary-General in disciplinary matters and cases of criminal behaviour, 1 January 2004-30 June 2005" (A/60/315), and called on all parties to support the ongoing efforts to build a transparent, impartial, efficient and effective system of accountability within the United Nations.

68. **Ms. Udo** (Nigeria) said that the administration of justice was an issue of great importance to all concerned. The Committee had grappled with the issue a number of times over the years, but had invariably deferred it to a future session of the General Assembly, sometimes because of a lack of reports. The delayed preparation and submission of the relevant reports had played a major role in the deferral of an issue that should have been given priority attention. Her delegation hoped that the current meeting would reverse that trend, thus demonstrating the Committee's full commitment to a truly credible and adequate system of administration of justice for the Organization's staff.

69. Nigeria wished to reiterate, and stress, that if the various ongoing reform initiatives were to be meaningful and lasting, considerable energy and time should be devoted to the establishment of a system of administration of justice that would not only administer justice, but would also be seen to do so. The very slow United Nations system of administration of justice had been a serious source of concern for her delegation.

70. Improving the administration of justice was an integral part of the effort to reform and transform the human resources management processes of the Organization, as shown by the fact that the issues most commonly brought before the Office of the

Ombudsman were related to promotion and careers. The system lacked a clear yardstick for measuring discrimination of all kinds, and her delegation had hoped that the report of the Secretary-General (A/60/376) would explore those delicate but crucial issues. However, she would still welcome comments in that regard. Details on the impact of the Office in terms of improving the system of justice would also be welcome. Her delegation noted that 70 per cent of cases had been satisfactorily resolved, but wished to know why the remaining 30 per cent had not been so resolved.

71. Her delegation would welcome clarification of the comments made in paragraph 8 of the report, as well as any proposals as to how the Ombudsman could improve access to her Office for all staff. Nigeria supported the efforts of the Ombudsman and her staff. A better explanation of the strategy set forth in the report for addressing various issues — including those regarded as systemic in nature — would be helpful. Furthermore, her delegation would welcome an update on the outcome of the work of the Joint Appeals Board.

72. By its resolution 59/283 the General Assembly had established a panel of independent experts to consider redesigning the system of administration of justice. Her delegation trusted that the panel's work would be completed expeditiously so that the Committee could consider its report during the sixty-first session. It would be helpful to receive, at the current time, initial feedback from the Ombudsman concerning the preliminary meetings held with the panel members. In the meantime, however, the Committee should find a way to take concrete action for implementation in the short term, while awaiting the development of longer-term options.

73. **Mr. Elji** (Syrian Arab Republic) said that the Organization's staff was its most valuable asset. However, the system of justice was obsolete, very slow and extremely costly, and had not improved in recent years. In considering the issue at the preceding session, the General Assembly had sought to determine the system's weaknesses and decide on the steps to be taken to make the system more transparent and just. The Assembly's approach had comprised two phases: the immediate introduction of measures to improve transparency, and the establishment of the expert panel with a view to restructuring and enhancing the system. Unfortunately, the Secretariat had failed to implement the measures required by the Assembly. It had not, for example, reconsidered the posts in the Administrative Law Unit in order to remove the conflict of interest impeding its work.

74. The problems with the administration of justice in the United Nations had persisted for decades. Moreover, the various measures required by the Assembly had not generated the necessary improvements. The Secretariat should therefore inform the Committee, during the Committee's informal consultations, of all the efforts it had made to implement General Assembly resolution 59/283, including in relation to the time limits which the Assembly had made mandatory within the appeals process.

75. His delegation took note of the letter from the President of the United Nations Administrative Tribunal (A/C.5/60/10) and would give positive consideration to the request that the Assembly should take a prompt decision on the remuneration of the Tribunal's members, without waiting until the new criteria imposed by resolution 59/283 had been met by all.

76. Lastly, the Committee had not received the annual reports on the administration of justice required under previous resolutions, and his delegation wished to note the request contained in paragraph 22 of resolution 59/283, to the effect that the Secretary-General should submit information on the activities of the Ombudsman. It looked forward to receiving clarification in that regard.

*The meeting rose at 12.10 p.m.*